



**UNITED STATES DEPARTMENT OF COMMERCE
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A-3

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/900,254 07/25/97 PFEUFFER

P 22750/350

EXAMINER

IM62/1202

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NEW YORK NY 10004

ART UNIT

PAPER NUMBER

1733

DATE MAILED:

12/02/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action

Application No.

08/900,254

Applicant(s)

Pfeuffer

Examiner

Sam Chuan Yao

Group Art Unit

1733



THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☐ expires _____ months from the mailing date of the final rejection.
- b) ☒ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Nov 26, 1999 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

☒ The proposed amendment(s):

- ☒ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
- ☐ will not be entered because:
- ☐ they raise new issues that would require further consideration and/or search. (See note below).
 - ☐ they raise the issue of new matter. (See note below).
 - ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

- ☐ Applicant's response has overcome the following rejection(s): _____

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:

see the attached Examiner's Remarks.

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: _____

Claims objected to: _____

Claims rejected: 1-4

- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.

- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

- ☐ Other

SAM CHUAN YAO
PRIMARY EXAMINER

Art Unit: 1733

REMARKS

1. Applicant essentially argues that the Yamamoto et al reference teaches away from using a profiled calender to form a corrugated filter because this process would result in crimp formation of fibers, which according to the reference would be undesirable. Contrary to Applicant's assertion, Yamamoto et al does not teach away from using a profile calender. The teachings of Yamamoto et al would have reasonably suggested to one in the art that the undesirable effect of fiber crimping ONLY occur prior to the formation of sheet and not during the sheet formation or any subsequent treatment of the sheet as evidence from the following passages: "... no crimps are effective for producing the paper-like sheet having a small, uniform thickness and an excellent tear strength" (emphasis added; col. 2 lines 60-63); and "The paper-like sheet ... may be ...calendered, embossed or creped." (Emphasis added; col. 5 lines 1-4). If any fiber crimping is not desired after the sheet is formed, then Yamamoto et al would teach away from embossing or forming crepe to the sheet because some fiber crimping will definitely occur when such process is performed on the sheet. Moreover, it is submitted that obviousness in the sense of § 103 only requires reasonable expectation of success. Examiner's response in Paper No. 17 paragraph 3 clearly provide sufficient reasons for one in the art to expect that one can effectively form a pleated or corrugated filter using profiled calender in the modified process of Yamamoto et al.

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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Sam Chuan Yao** whose telephone number is (703) 308-4788. The examiner can normally be reached on Monday-Thursday from 8:00 AM-5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mike Ball, can be reached on (703) 308-2058. The fax number in Group Art Unit 1733 for any official papers (i.e. papers that will be entered as part of the file wrapper) is (703) 305-7718 and for unofficial papers (e.g. proposed amendments) is (703) 305-7115.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.

Sam Chuan Yao
Primary Examiner
Art Unit 1733

scy
December 1, 1999